

do, which is work with Congress and follow the Constitution. I hope that court ruling serves as a wakeup call for President Obama and for his entire administration. Instead of going around Congress, instead of going around the Constitution, it is time for the Obama administration to work with us on nominations.

I see the Senator from Nebraska is here, the former Governor, former Cabinet member. I look forward to hearing his comments as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNIS. Madam President, I rise today, first of all, to say thank you to Senator BARRASSO and Senator ALEXANDER for speaking so forcefully on this issue. All of us in this body are elected officials and we take an oath. In that oath, we raise our right hand and we promise our Nation that we will uphold the Constitution of the United States, this very sacred document that has so soundly guided our great country from one decade to another, one century to another, one generation to another.

In fact, many of my colleagues in Congress took that oath earlier this month. Just 10 days ago, President Obama took the Presidential oath of office with great pomp and circumstance. We were all on the platform with him. He promised the Nation that he would preserve and defend the Constitution of the United States. But I fear that now what we are seeing is a flaunting of that very document.

You see, the DC Court of Appeals ruled that the President violated the Constitution with his appointment of three members to the National Labor Relations Board. I read the opinion. I saw no other solution than to ask these individuals to leave. The truth of the matter is they are not constitutionally there and need to leave.

This request was not about a personal preference or an attitude about any one individual. It was not about their qualifications. It was about the oath of office we take. And that oath of office says we will uphold the Constitution. The NLRB appointments were unconstitutional because the President only has the power to bypass our advice-and-consent role here in the Senate under the language of the Constitution. The court unequivocally found that the appointments were made last January while the Senate was not in recess, and were therefore void. Therefore, the President could not use the recess appointments clause of the Constitution to appoint these individuals. The ruling correctly concludes: "Allowing the President to define the scope of his own appointments power would eviscerate the Constitution's separation of powers."

The separation of powers is a critical safeguard to ensure that one branch of government does not overstep the other. The court goes on to say that allowing these nominations to stand

"would wholly defeat the purpose of the Framers in the careful separation of powers."

Additionally, because these appointments were unconstitutional, the board lacked the quorum necessary to make decisions over the past year. This calls into question over 200 rulings of the board since last January. I personally believe that there is no doubt, if they are not constitutionally there, if they are there violating the Constitution, then all of their rulings, all of their regulations, all of their actions as a board are invalid and void.

That is why I wrote last Friday to the Government Accountability Office asking them to report to us every single decision they had made that was in excess of their powers to be there. You would think it would be common sense that the board would suspend all further action. You know, as a former member of the Cabinet, it never occurred to me that I had the right to ignore court decisions. I cannot imagine. The Chairman of the NLRB said this, "The board respectfully disagrees with the decision." The Chairman indicates they will continue to conduct business as usual, even though a unanimous appeals court has deemed the appointments of all but one member of the board to be unconstitutional. I find their action absolutely appalling. Decisions by the NLRB are felt across the country.

It is not fair for the Board to say to the court: Go pound sand, which is exactly what they are telling this court. It is already awful that 200 litigants now have to go through the time and expense to appeal their rulings. Instead of continuing business as usual and issuing more bogus rulings, the Board should recognize that it is time to leave and to honor the Constitution.

I will wrap up with this. The D.C. appeals court ruling was a victory for our system of government. I believe it was a victory for the Constitution. It ensures that no one, including the President of the United States, is above the Constitution. I simply ask the NLRB, its members who were unconstitutionally appointed, to recognize the sanctity of our Constitution and vacate their offices immediately. Leave. Let us in the Senate have the powers granted to us by the U.S. Constitution to offer advice and consent to the President of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

(The remarks of Mrs. GILLIBRAND pertaining to the introduction of S. 179 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that the period of morning business be extended until 3 p.m., with Senators permitted

to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. GILLIBRAND. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUNT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

(The remarks of Mr. BLUNT pertaining to the introduction of S. 188 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BLUNT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HEINRICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. KERRY. Mr. President, I want to begin by thanking my colleagues—all of them—for their unbelievably generous comments to me personally, in the committee, on the floor, and in the halls and at meetings over the course of the last weeks. I will always be grateful for our friendships.

I thank my wife Teresa, who is here with us, and my entire family for their unbelievable support through this journey.

Five times Massachusetts has voted to send me to the U.S. Senate. Yesterday, nearly three decades after the people of Massachusetts first voted me into this office, the people with whom I work in the Senate voted me out of it. As always, I accept the Senate's sound judgment.

Eight years ago, I admit that I had a slightly different plan to leave the Senate, but 61 million Americans voted that they wanted me to stay here with you. So staying here I learned about humility, and I learned that sometimes the greatest lesson in life comes not from victory but from dusting oneself off after defeat and starting over when you get knocked down.

I was reminded throughout this journey of something that is often said but not always fully appreciated: All of us Senators are only as good as our staff—a staff that gives up their late nights and weekends, postpones vacations, doesn't get home in time to tuck children into bed, and all of those lost moments because they are here helping us serve. They are not elected. They didn't get into public service to get